

EXHIBIT 8

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CORPORAL TRINIDAD NAVARRO,)	
Plaintiff,)	
v.)	Civil Action No.
)	05-565 GMS
CHRISTOPHER A. COONS,)	
individually and in his official)	
capacity; GUY H. SAPP,)	
individually and in his official)	
capacity; and NEW CASTLE)	
COUNTY, a municipal corporation,)	
Defendants.)	

Deposition of STUART SNYDER taken pursuant to notice at the offices of Rosenthal, Monhait & Goddess, Suite 1401, 919 Market Street, Wilmington, Delaware, beginning at 1:30 p.m. on Wednesday, June 28, 2006, before Anne L. Adams, Registered Professional Reporter and Notary Public.

APPEARANCES:

JEFFREY K. MARTIN, ESQ.
MARGOLIS EDELSTEIN
1509 Gilpin Avenue
Wilmington, Delaware 19806
for the Plaintiff,

JEFFREY S. GODDESS, ESQ.
ROSENTHAL, MONHAIT, GROSS & GODDESS
919 Market Street, Suite 1401
Wilmington, Delaware 19899-1070
for Defendants Coons and Sapp,

WILCOX & FETZER
1330 King Street - Wilmington, Delaware 19801
(302) 655-0477

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1 APPEARANCES CONTINUED....

2 MEGAN SANFRANCESCO, ESQ.
3 JUDITH A. HILDICK, ESQ.
4 NEW CASTLE COUNTY LAW DEPARTMENT
5 87 Reads Way
6 New Castle, Delaware 19720
7 for New Castle County.

8 STUART SNYDER,
9 the witness herein, having first been
10 duly sworn on oath, was examined and
11 testified as follows:

12 EXAMINATION

13 BY MR. GODDESS:

14 Q. Major Snyder, first, have you ever been involved
15 in civil litigation and had your deposition taken?

16 A. Yes.

17 Q. So you are generally familiar with the concept
18 where I ask questions. You answer to the best of your
19 ability. Don't strain or, you know, estimate if you
20 don't know an answer. And then when I'm done, Jeff
21 Martin has an opportunity to ask you questions as well
22 from Corporal Navarro's point of view in the case.

23 MR. MARTIN: wouldn't it be appropriate to
24 pass the baton to the county on this?

MR. GODDESS: Okay.

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1 MR. MARTIN: I'm asking.

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20 A. Yeah. I can remember him -- you know, again, I
21 can't remember specifics of the conversation like dates,
22 times who said what to whom. But I can safely say that I
23 can remember him feeling some frustration about not being
24 promoted, particularly when there were open positions and

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1 he was eligible.

2 Q. If you don't socialize with him, I would assume
3 that conversation took place at the police department?

4 A. Yes.

5 Q. Did it take place in your office? Do you have
6 any recollection of that? Or a hallway conversation?

7 A. No, probably hallway or in front of his desk.
8 Because many times I would have to go in and see the
9 colonel or the colonel's secretary, administrative
10 assistant, which is Betty, or sometimes deal with Trini
11 on some issues that he might be releasing.

12 Q. Like a public release you mean?

13 A. Yeah, or doing a story on not so much a press
14 release, but I have had contact with him about doing some
15 releases that have to do with programs, community
16 services does or issues like that. I don't really deal
17 with him much on the daily news releases.

18 Q. When he was expressing frustration, at that time,
19 were you aware of where he stood on the promotion list?

20 A. I'm pretty sure I did.

21 Q. As we sit here today, do you remember where he

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22 was?
23 A. No, I couldn't give you a number. I know he
24 wasn't at the top. I knew he wasn't like number one,

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1 number two. But I also knew he wasn't at the bottom. I
2 knew he was somewhere in the mix.

3 Q. So is it your understanding -- or let me pose it
4 this way. It does not appear -- from just looking at the
5 raw numbers. I wasn't involved in this at all. He was
6 never passed over in that sense. He was never like
7 eighth and they appointed the guy or female that was
8 ninth. He was never passed over. He was in a group of
9 five, but he was never passed over. Is that square with
10 your recollection?

11 A. I would need all the stuff in front of me. I
12 can't say that as a fact.

13 Q. I don't know what all the stuff is. I've got
14 some stuff.

15 A. It would be the promotion list and what vacancies
16 were available at what times. That's what I mean by
17 stuff.

18 Q. I've got some of that stuff. And we will be
19 going over it. So is it your general impression that he
20 was passed over?

21 A. Yes, I would say so, at least in my opinion.

22 Q. And what is that based on?

23 A. That would be based on two people that were

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24 promoted. I believe one of them was below him on the

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1 list, which would have been Sergeant Feeser. Now, wait a
2 minute. She wasn't promoted at that time. Sergeant
3 Joseph was one that comes to mind.

4 Generally speaking, when presented with the
5 list, when staff would meet and consider promotions,
6 without being part of the testing process, without
7 working daily closely with most of the candidates, I have
8 to put my faith in the rank order of the list unless I
9 have information or a feeling based on performance,
10 performance that I'm aware of one of the candidates
11 either being good or bad.

12 And in Corporal Navarro's case, at least I
13 felt that one of the sergeants that got promoted probably
14 was not as good a candidate as Corporal Navarro.

15 Q. And was that one of the folks you just mentioned?

16 A. Yes. That would be Sergeant Joseph. And that's
17 because he did work for me. So I can say, in his case,
18 that I felt that he was not the best candidate to be
19 promoted.

20 Q. What is your understanding as to why Corporal
21 Navarro wasn't promoted?

22 A. My understanding?

23 Q. What do you think?

24 A. What do I think? I think that sergeants'

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1 positions were held in abeyance; in other words, not
2 filled in order not to promote him or in order to
3 eliminate the possibility that he gets promoted.

4 Q. And do you have any understanding as to why that
5 occurred?

6 A. As to why?

7 Q. Yeah.

8 A. I don't know the reason why. But I know that my
9 understanding is the direction came from the public
10 safety director.

11 Q. Guy Sapp?

12 A. Yes.

13 Q. The direction to, that there weren't going to be
14 three promotions, that there would only be one, that was
15 the timing?

16 A. Yeah. I'm not a hundred percent certain of the
17 numbers. But, yes, I know he did reduce the numbers of
18 promotions as opposed to available positions, budgeted
19 positions.

20 Q. Do you have any understanding as to why Guy Sapp
21 did that, Director Sapp did that?

22 A. I know what reason he gave. But it didn't, his
23 reasoning was the, at least what he told us, was because
24 he felt it was more important to leave patrol officers as

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1 patrol officers as opposed to sergeants, even though I
2 countered his argument with what I felt made sense.

3 Q. Did you have a one-on-one conversation or a
4 conversation where that was discussed?

5 A. Yes. I believe it was in a staff meeting. It
6 wasn't one-on-one.

7 Q. And do you recall when the staff meeting
8 occurred?

9 A. No, I couldn't give you a date.

10 Q. Would there be some way to get into that, to try
11 to dig into that date? Let me ask this: Was McAllister
12 the chief then?

13 A. No.

14 Q. McLaren was the chief?

15 A. The acting chief, yes.

16 Q. Was it a regular staff meeting, I mean, in the
17 sense -- well, were there regular staff meetings every
18 Tuesday morning at 8 or something like that?

19 A. Yeah, there were. But there would be others. It
20 would be impossible for me to pinpoint the date and time
21 when this meeting occurred.

22 Q. I know. I'm not trying to exhaust your
23 recollection here. Would there be papers or calendars or
24 anything available?

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1 A. The only thing that would be -- not that I would
2 have. I mean, I write notes on my desk blot calendar
3 like staff meeting. And I actually do save my old
4 calendar blotters. But it would probably just say staff
5 meeting, but not staff meeting regarding Trini Navarro.

6 Q. Do you think the decision to not go with those
7 three promotions at that point, to just go with one, was
8 because of Navarro personally?

9 A. Well, it was certainly the conclusion I drew
10 based on the decision that was made. I mean, there was
11 no way I know for certain. But, you know, I have been
12 doing this job a long time. And my argument -- I'm not
13 going to say argument. My statements to Guy Sapp in that
14 meeting were such that it didn't make sense not to fill
15 the positions because they would be making acting
16 sergeants on the road anyway.

17 And acting sergeants probably only do 50
18 percent of the job that a full supervisor does because
19 acting sergeants generally don't get involved in
20 disciplines, writing evaluations, sensitive matters.
21 Because they could be an acting sergeant one day and then
22 they are back to patrolman the next day. So work wise,
23 it's definitely more efficient to promote and get a
24 hundred percent work out of that person than use actors

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1 and get 50 work out of that person.

2 Q. If the decision was made to go with one promotion
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3 instead of three, there was someone else besides Trini
4 Navarro who then did not get a promotion?

5 A. Yes.

6 Q. Do you think there was any focus or thought of
7 depriving that person of a promotion too?

8 A. Could be. I mean, there is nothing that I know
9 of. But --

10 Q. What do you know of in Trini Navarro's case? Do
11 you know he was promised a promotion?

12 A. No.

13 Q. Do you think he was highest on the available list
14 at that point in time?

15 A. I don't recall.

16 Q. What makes you think it was Trini?

17 A. Trini what?

18 Q. That Trini would have gotten a promotion but for
19 this decision.

20 A. I didn't say that he would. I just said that I
21 thought this decision deprived him of that. Obviously,
22 if you can only promote one when you've got three slots,
23 there's two people that don't get promoted and he's one
24 of them.

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1 Q. You are sort of going by arithmetic. But you are
2 not saying anything -- and I'm not faulting that. But so
3 your answer is based on, essentially, a process
4 elimination?

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5 A. Right. If there was four promotions in this
6 office and there is six of the seven of us sitting here
7 and then you say we are only going to fill one of the
8 positions, then there is going to be several people
9 denied that position.

10 Q. Do you think it was intentional to deprive Trini
11 Navarro of a promotion?

12 A. I can't draw that conclusion specifically. But I
13 believe it's certainly possible.

14 Q. What would -- let's use the word like hunch.
15 What is your hunch?

16 A. My hunch is yes.

17 Q. What is that based on?

18 A. My hunch is based on the current administration,
19 meaning Guy Sapp as my closest contact because he's a
20 politically appointed person by Mr. Coons. Several
21 things happened when the new administration came in that
22 I look at as, to use a term -- and I don't know if it's a
23 proper term -- but meddling in simple department matters
24 such as who drives what car based on what I perceived as

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1 a, at least a dislike of Colonel McAllister by the
2 administration.

3 Things like who gets what car, bringing in
4 outside consultants to, I guess, assess and determine a
5 promotional process, the director meeting with myself,
6 Major Hedrick and Lieutenant Colonel McLaren saying he's
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7 got pressure to transfer Captain Setting, who I believe
8 is a close friend of then Colonel McAllister, creating a
9 bifurcated command structure.

10 And by that I mean, there were two
11 lieutenants pulled out from under police control and
12 given direct access to the county executives almost like
13 a separate police command structure. All these things
14 were instituted, as my perception of working there 30
15 something years under probably seven, eight, nine
16 different chiefs, directors, county executives, for that
17 matter, as direct influence or interference with the
18 day-to-day type operations of the police department.

19 I view car assignments, internal transfers,
20 promotions, at least the front line supervisory ranks to
21 be things that should and could be handled by the police
22 department itself without interference.

23 Q. And you view that -- you used the word maybe a
24 couple times -- interference and meddling? You've used

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1 those words.

2 A. I'm trying not to be judgemental.

3 Q. Oh, really?

4 A. I'm trying not to say what they said or what they
5 did was wrong. I'm just saying that they became
6 involved. That's my point here is that became involved
7 in issues that typically are handled within the police
8 department. So that's why I didn't say they did awful

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9 things. They interjected control in places that
10 traditionally didn't have that control.

11 Q. Well, the immediate preceding county exec and CAO
12 came out of the police department, right?

13 A. Uh-huh.

14 MR. MARTIN: Please try to say yes or no.

15 THE WITNESS: I'm sorry.

16 MR. MARTIN: And while I've got the mic here
17 for a moment, please, also try to listen to Mr. Goddess.
18 Let him complete his question before you respond simply
19 because the court reporter can't take two people at one
20 time.

21 THE WITNESS: Sure.

22 BY MR. GODDESS:

23 Q. You just said you don't want to be judgemental or
24 you are trying not to be judgemental. You just observed

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1 this level of interference and meddling, right?

2 A. Yes.

3 Q. Did you have any personal feelings about it? Did
4 you think it was unfair to your department?

5 A. Yes.

6 Q. Did you express those views to anyone?

7 A. Lieutenant Colonel McLaren.

8 Q. And did the subject of promotions -- this is a
9 broad subject. We could be here for a long time about
10 like what did you talk to McLaren about. But did the
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11 subject of promotions ever come up in conversation
12 between you and Colonel McLaren?

13 A. Yes.

14 Q. And the subject of sergeant promotions in
15 particular?

16 A. Yes.

17 Q. What did you say him to about sergeant
18 promotions?

19 A. I said the same thing that I had said to -- in
20 fact, I believe Lieutenant Colonel McLaren was probably
21 in the room when I mentioned to Guy Sapp that it just
22 made a lot more sense to fill the open slots, more
23 efficient for the work force to do that. So that's what
24 I mentioned to Lieutenant Colonel McLaren.

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1 Q. Did you ever have, outside of that staff meeting,
2 did you ever have any conversations with Lieutenant
3 Colonel McLaren on the promotional issues?

4 A. I can't recall any specifically, but I wouldn't
5 say no. I probably speak to him daily as well. And this
6 issue was probably a year or more ago. So I would
7 venture to say yes.

8 Q. It was most directly of all the majors -- well,
9 there is only two of them. It was more directly in your
10 line of work if you were over human resources?

11 A. Right.

12 Q. The whole timing of promotional exams, the

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13 structure of exams?

14 A. Actually, those issues have been traditionally
15 handled -- in other words, the content of the exams, the
16 timing and actually the administration of the exams were
17 handled by county human resources, not police department
18 human resources.

19 Q. So what was taken away or what was the change in
20 that round of sergeant promotions? I got the impression
21 from an earlier answer you gave that there was some
22 change this time.

23 A. The change was that the positions weren't filled.
24 There were open positions. There were eligible

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1 candidates. And we were told by the director that --
2 and, actually, initially he told us he wasn't filling any
3 of them and then, at least a few weeks later, decided it
4 was okay to fill one.

5 Q. Did you ever speak of any of this with Trini
6 Navarro?

7 A. No, I don't believe so.

8 Q. My question wasn't precise. When I said did you
9 ever relay any of this, the word "this" is pretty vague
10 as I think about it. But did you ever talk with Trini
11 Navarro about your perception of Director Sapp and what
12 his role was and how he went about making decisions?

13 A. I can't recall specific -- well, I can't recall a
14 specific conversation. But I know I've mentioned to the
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15 lieutenant colonel that I felt that Mr. Sapp was speaking
16 for the, at least whoever his boss was, which I would
17 assume is David Singleton. I don't know who Mr. Sapp
18 confers with at the Government Center. But at least in
19 this instance for the promotion, it seemed like there was
20 an awful lot of delay, consternation, et cetera, from
21 Director Sapp in making a decision to promote any
22 sergeants or one sergeant or three sergeants.

23 And, as a matter of fact, when there was one
24 sergeant promoted -- we met as staff, the lieutenant

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1 colonel -- I believe it was unanimous when we promoted
2 Sergeant Davies. And Director Sapp was notified within a
3 couple hours of the promotion yet she wasn't promoted for
4 more than a week. And Lieutenant Colonel McLaren
5 explained to me that before the promotion was made, that
6 he and Director Sapp had to present the promotion to
7 Mr. Singleton.

8 And I asked Lieutenant Colonel McLaren, what
9 do you mean present? This is a first line supervisor
10 that we all agreed on. The director was fully aware of
11 the promotion to make sure we didn't promote a desk
12 chair.

13 And it was particularly frustrating to
14 staff. You got the whole staff that meets, decides
15 something. The lieutenant colonel knows it. Director
16 Sapp knows it. Yet a week goes by because this promotion

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17 had to be presented to the CAO. And I don't know what
18 presented means other than given to him for his ultimate
19 approval.

20 So this is one specific step by step
21 instance where I would say there was absolutely
22 interference or interjection by county administration
23 into a first line supervisor promotion.

24 Q. Sergeant Davies did get the promotion?

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1 A. Yes.

2 Q. Did you talk about that to Trini Navarro?

3 A. Talk about that?

4 Q. About the perceived delay on Tricia Davies'
5 promotion.

6 A. I don't recall specifically talking to him about
7 it.

8 Q. I'm going to read a little passage from --

9 A. I'm not saying it didn't happen. But I have a
10 lot of conversations a lot of time with a lot of people.

11 Q. Let me see if this jogs your recollection,
12 either, oh, yes that's right, or, you know, I still don't
13 understand that. This is from Corporal Navarro's
14 deposition.

15 MR. MARTIN: What page, please?

16 Q. Beginning of Page 24. Referring to David
17 Singleton, chief administrative officer.

18 "He is directly involved in our promotions.
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10 Q. Yes.

11 A. Like right before it comes out on paper? My
12 impression is somebody at the Government Center and my
13 guess, my assumption would be Dave Singleton.

14 Q. What do you base your assumption on?

15 A. I base my assumption on -- I believe I was pretty
16 specific with the Trish Davies promotion, that staff had
17 met along with Guy Sapp and yet the promotion itself
18 didn't take place for a week. And that promotion was
19 commensurate with the presentation of, quote, Lieutenant
20 Colonel McLaren, the presentation of Trish Davies'
21 promotion to Mr. Singleton before it was finally allowed.

22 Q. Okay. Now, in terms of transfer of officer
23 decisions, who has been making them?

24 A. For the most part, the lieutenant colonel and

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1 staff. Actually, there is only one specifically that I
2 could say, that I could say I feel that there is
3 influence from the Government Center staff. And that
4 would be the transfer of Captain Setting.

5 And, specifically, Lieutenant Colonel
6 McLaren, myself and Major Hedrick met with Guy Sapp. For
7 several weeks he had mentioned thoughts of moving some of
8 the staff around. And we finally met with Mr. Sapp, I'm
9 guessing, in January. And the three of us, meaning
10 myself, Lieutenant Colonel McLaren, and Major Hedrick
11 have a probably combined police experience of 80, 90

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12 years, all of which on the New Castle County Police, said
13 at this time we don't think staff should be transferred,
14 especially with a new chief coming.

15 And Guy Sapp alluded to us that, he said to
16 us, I have been getting pressure to make this move. And
17 every scenario of staff transfer that he spoke about,
18 every single scenario had Captain Setting leaving patrol
19 and going to records.

20 Q. What was your understanding, if any, as to what
21 Mr. Sapp was referring to when he said pressure?

22 A. I would assume his boss.

23 Q. And his boss was?

24 A. Singleton. I mean, unless his wife was telling

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1 him to do it. My assumption would be his boss when he
2 said he's under pressure. He did not specifically say
3 Mr. Singleton.

4 Q. Do you have an understanding as to who made the
5 ultimate decision as to transferring Captain Setting?

6 A. It would have had to have been Mr. Sapp. Because
7 the three of us, myself, lieutenant colonel and the other
8 major, had all said we didn't recommend doing it at that
9 time.

10 Q. So it was not done within the New Castle County
11 Police Department, correct?

12 A. Correct.

13 Q. So it was Sapp. Could it have been Singleton?

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14 A. Could have.

15 Q. How do you view Captain Setting's transfer?

16 A. Given the circumstances of the three of us
17 strongly recommending not to transfer at the time, and
18 every scenario that Mr. Sapp presented to us involved
19 Captain Setting going to records, I would say punitive in
20 some nature to significantly reduce his command.

21 Q. You said punitive. Would you also say
22 retaliatory?

23 A. I couldn't say retaliatory because I don't know
24 of anything that he did to Sapp.

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1 Q. Or how about Singleton?

2 A. I don't know of anything he did to Singleton.

3 Q. What was your understanding, if anything, as to
4 Captain Setting's relationship with Colonel McAllister?

5 A. I understand that they were personal friends.

6 Q. Do you believe that that may have played any role
7 in the transfer of Captain Setting?

8 A. It's possible. I'm not aware of any performance
9 issue that would have necessitated his transfer.

10 Q. So I just asked but transfers. Promotional
11 decisions we've discussed. What about decisions for
12 advanced training within the department, who makes those
13 decisions?

14 A. Ultimately the chief.

15 Q. Do those issues go beyond the police department